

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LYNN STOUT,

Plaintiff,

v.

YEHUDA SMOLAR, individually, and
SMOLAR, SAKAS & GOODHART,
a professional corporation,

Defendants.

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CIVIL ACTION NO.
1:05-CV-1202-JOF

OPINION AND ORDER

On October 11, 2005, the court directed Defendants to show cause within twenty days as to why the court should not enter default for their failure to file a preliminary report. Defendants have not responded to the court's October 11, 2005 order, despite the fact that discovery is set to end on December the 26, 2005.

The court recognizes that it has the inherent authority to enter default judgment for the failure to comply with its orders. *See, e.g., Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985) (citing *Flaska v. Little River Marine Constr. Co.*, 389 F.2d 885 (5th Cir. 1968)). In light of the general preference for suits to be decided on their merit, the court recognizes that the entry of default judgment is a drastic remedy which should only be taken in extreme circumstances. Nevertheless, because Defendants have failed even to respond to the court's

order, the court finds that it has no alternative but to strike Defendants' pleadings and instruct Plaintiff to file a motion for entry of default judgment within twenty (20) days from the date of this order.

IT IS SO ORDERED this 5th day of January 2006.

s/ J. Owen Forrester

J. OWEN FORRESTER
SENIOR UNITED STATES DISTRICT JUDGE